

**SUPREME COURT MINUTES
TUESDAY, OCTOBER 3, 2006
SAN FRANCISCO, CALIFORNIA**

S145622 A110154 First Appellate District, Div. 1 **PEOPLE v. DIMATTEO (DANIEL)**
The time for granting or denying review in the above-entitled matter is hereby extended to November 3, 2006.

S145632 G034291 Fourth Appellate District, Div. 3 **PEOPLE v. EOM (HYO Y.)**
The time for granting or denying review in the above-entitled matter is hereby extended to November 2, 2006.

S145655 B181857 Second Appellate District, Div. 7 **SHEPPARD MULLIN RICHTER &
HAPTON v. S.C. (CLAREY)**
The time for granting or denying review in the above-entitled matter is hereby extended to November 3, 2006.

S145576 GO36340/G036488 Fourth Appellate District, Div 3 **CALAHAN & BLAINE, APC v.
TACKABERRY (CHARLENE)**
The order filed on September 27, 2006, denying the petition for review, is amended to include the additional court of appeal number reflected above.

**SUPREME COURT MINUTES
ORAL ARGUMENT CALENDAR
SPECIAL SESSION-SANTA BARBARA, CALIFORNIA
TUESDAY, OCTOBER 3, 2006**

The Supreme Court of California convened in the courtroom of the Santa Barbara Superior Court, 1100 Anacapa Street, Santa Barbara, California, on Tuesday, October 3, 2006, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegard, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S135263 IN RE JAIME P., a Person Coming Under Juvenile Court Law.

THE PEOPLE, Plaintiff and Respondent,
v.
JAIME P., Defendant and Appellant.

Cause called. Diana M. Teran argued for Appellant.
Ronald E. Niver, Office of the Attorney General, argued for Respondent.
Brentford J. Ferreira argued for Amicus Los Angeles.
Ms. Teran replied. Cause submitted.

S129125 CITY OF GOLETA, Petitioner,
v.
SUPERIOR COURT OF SANTA BARBARA COUNTY, Respondent;

OLY CHADMAR SANDPIPER GENERAL PARTNERSHIP, Real Party In
Interest.

Cause called. Richard Monk argued for Real Party In Interest.
Brian A. Pierik argued for Petitioner.
Mr. Monk replied. Cause submitted.

S056391 THE PEOPLE, Respondent,
 v.
 BOB RUSSELL WILLIAMS, JR., Appellant.

Cause called. Charles M. Bonneau, Jr. argued for Appellant.
Craig S. Meyers, Office Of the Attorney General, argued for Respondent.
Mr. Meyers replied. Cause submitted.

Court recessed until 1:30 p.m. this date. Members of the Court and Officers present as first shown.

S130717 PHILADELPHIA INDEMNITY INSURANCE COMPANY, Plaintiff and
Respondent,
 v.
 BLANCA MONTES-HARRIS, et al., Defendant and Appellants;
 and Companion Case.

Cause called. Bruce David Abel argued for Appellants Blanca Montes-Harris.
Michael Saint-George argued for Appellant Javier Cortez.
James E. Green, Jr. argued for Respondent.
Mr. Abel replied. Cause submitted.

S130080 THE PEOPLE, Plaintiff and Appellant,
 v.
 MANUEL ALEX TRUJILLO, Defendant and Appellant.

Cause called. Ryan B. McCarroll, Office of the Attorney General, argued for Appellant.
Michael Kresser argued for Appellant.
Mr. McCarroll replied. Cause submitted.
Court recessed until Wednesday, October 4, 2006.

**SPECIAL SESSION-SANTA BARBARA, CALIFORNIA
WEDNESDAY, OCTOBER 4, 2006**

The Supreme Court of California convened in the courtroom of the Santa Barbara Superior Court, 1100 Anacapa Street, Santa Barbara, California, on Wednesday, October 4, 2006, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S123832 AGUA CALIENTE BAND OF CAHUILLA INDIANS, Petitioner,
 v.
 SUPERIOR COURT OF SACRAMENTO COUNTY, Respondent;
 FAIR POLITICAL PRACTICES COMMISSION, Real Party in Interest.

Cause called. James C. Martin argued for Petitioner.
Charity Kenyon argued for Real Party in Interest.
Mr. Martin replied. Cause submitted.

S129220 R. THOMAS FAIR, Plaintiff, Cross-defendant and Appellant.
 v.
 KARL E. BAKHTIARI, et al., Defendants and Respondents;
 STONESFAIR FINANCIAL CORPORATION, et al. Defendants, Cross-complainants
 and Respondents.

Cause called. Arthur J. Shartsis argued for Respondents.
Gilbert R. Serota argued for Appellant.
Mr. Shartsis replied. Cause submitted.

S034725 IN RE ANDRE BURTON ON HABEAS CORPUS
Cause called. Lisa M. Romo argued for Petitioner.
Chung L. Mar, Office of the Attorney General, argued for Respondent.
Ms. Romo replied.
Cause submitted.

Court Adjourned.

**SPECIAL SESSION
CALIFORNIA SUPREME COURT
SANTA BARBARA, CALIFORNIA
OCTOBER 3, 2006
CHIEF JUSTICE RONALD M. GEORGE**

Good morning. It is with great pleasure that I welcome you to this special session of the California Supreme Court. I would like to begin by introducing my colleagues on the bench: To my immediate right is Justice Joyce Kennard; to her right is Justice Kathryn Werdegarr, and to her right is Justice Carlos Moreno. To my immediate left is Justice Marvin Baxter; to his left is Justice Ming Chin, and to his left is our newest Justice, Carol Corrigan, who joined us from the Court of Appeal in January of this year.

I also would like to introduce the court's very able Clerk/Administrator Fritz Ohlrich, who, as is true in so many areas, has been of great help in setting up this session.

I would now like to call upon Rodney Melville, Presiding Judge of the Santa Barbara Superior Court, co-host of this event. He and countless other judges and court staff have been instrumental in creating this program. Among them are Judge James Herman, who chaired the committee charged with organizing the participation of schools, students, and the local bar in the educational outreach component of this event, and Assistant Presiding Judge William McLafferty, who served as Chair of the Publications Committee.

And now, Presiding Judge Melville:

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Thank you Judge Melville.

My first visit to the Mural Room was approximately 36 years ago, when as a young California deputy attorney general I conducted a coroner's inquest into a fatal shooting arising out of the Isla Vista riots at the University of California at Santa Barbara. During my first year as Chief Justice of California in April of 1997, I returned to this courthouse as part of a series of visits I made to the courts in each of California's 58 counties. At that time, the trial courts were divided into superior and municipal courts, and their funding came mostly from the county in which they were located.

Since that visit, California's court system has undergone fundamental reforms that have included a change to state funding of our trial courts and their unification into one level of court. The motivating force behind these reforms was our commitment to enhancing the ability of the courts to serve the people of California, and to providing meaningful access to the courts for all individuals.

We in the court system are keenly aware that in order to achieve these goals, more than structural change is necessary. As a result, we have reached out to the communities we serve to better meet their needs and expectations. At the same time, we have worked to ensure that the public understands the important role of the courts as fair and impartial adjudicators. An independent judiciary is not an unaccountable judiciary it is a court system that allows judges to make decisions based upon the law and precedent, and not in response to the latest public preferences or to political or fiscal pressures.

The California Supreme Court has embarked upon sessions such as today's in order to further these objectives. Our court regularly hears oral argument in three locations: San Francisco (where we maintain our headquarters), Sacramento, and Los Angeles. Over the last few years, we have ventured beyond these sites and have held sessions in San Diego, San Jose, and Fresno, as well as in Orange and Shasta Counties.

This is an appropriate occasion to observe that the Santa Barbara bench and bar have made many notable contributions to the statewide administration of justice. Judge James Herman was appointed to the Santa Barbara Superior Court during his term as an attorney member of the Judicial Council, the constitutionally created body charged with the statewide administration of justice. In his capacity as State Bar President, and as a member of the council, he was

an active participant in a wide variety of activities aimed at improving the administration of justice. Another Santa Barbaran who served with distinction in recent years as State Bar President is Dale Hanst.

Historically, Santa Barbara was the home of Benjamin Rey Schauer, who served on the California Supreme Court from December 1942 through September 1964. He was born in Santa Maria in 1891, and attended public school in Santa Barbara. He was admitted to practice in 1913 and spent four months in practice in this city before moving to Los Angeles, where he first joined the bench in 1927.

Another former Supreme Court Justice, William P. Clark, Jr., was born in Oxnard, where he practiced until becoming Cabinet Secretary to Governor Ronald Reagan. He was appointed to the San Luis Obispo Superior Court in 1969, and served there and on the Court of Appeal for the Second Appellate District before being appointed to the California Supreme Court in early 1973. He stepped down in 1981 to serve in various capacities under President Reagan in Washington, D.C.

Santa Barbara has a tradition of a strong bench that has made important contributions to the statewide administration of justice. Several members of the bench have served on the Judicial Council or its advisory committees or task forces, including Judges Melville, Herman, and George Eskin, who are presently doing so.

The court is delighted to convene its session today in this magnificent historic courthouse. Santa Barbara was one of the original 27 counties in California a number that grew to 58 as California expanded in population and economic diversity. It is a county with a history of handsome courthouse buildings. The neoclassical courthouse that preceded this wonderful facility was severely damaged by an earthquake in 1925 a circumstance that serves as a reminder that there still remain in California many courthouse facilities that are not sufficiently fortified to withstand the earthquakes that so often reshape our state.

One important reform now under way in California is the transfer of courthouse facilities from the counties to the state. A comprehensive study of the more than 451 court facilities in our state will help us address the necessary renovations and construction that will ensure that members of the public, together with California's judges, lawyers, and court staff, will have a safe place in which to seek and provide the services of the courts.

Today's and tomorrow's court sessions represent the culmination of collaborative efforts by members of the bench, the bar, the community, and the educational system. In addition to those persons I have already mentioned, on behalf of the Supreme Court I would like to thank Gary Blair, executive officer of the Santa Barbara Courts, who has been key to coordinating the efforts of the superior and Supreme Courts and who sits on the Judicial Council's Court Executives Advisory Committee. Ann Anderson, president of the Santa Barbara Bar Association, and Tammi Faulks, president of the Northern Santa Barbara County Bar, participated in the planning committee and were essential in obtaining commitments from attorneys to work with the students. We also owe a debt of gratitude to all the members of the various committees and the volunteers who have assisted the students in making the arrangements for their participation in this special court session.

Sheriff Jim Anderson, with assistance from Lieutenant Tom McKinney, has skillfully arranged to handle the difficult challenges posed by the security needs of multiple events and the large number of participants in this visit by our court.

Presiding Justice Arthur Gilbert also has made many valuable contributions on behalf of the entire bench and court staff of Division Six of the Second Appellate District, which is headquartered in Ventura.

The planning committee for this event has overseen the process of contacting local educational institutions. More than 750 students from throughout North, South, and Central Santa Barbara County from 18 high schools and two law schools are taking part. Among them are a large contingent from the North County, honor students from Los Robles School at Los Prietos Boys Camp, and students from some of the more remote parts of the county.

More than 50 teachers, administrators, and deans are accompanying students or leading discussions in classrooms to which this session is being telecast. Before today's oral arguments, students in each participating high school were briefed by volunteer attorneys regarding the California Supreme Court's processes and history and on the issues involved in the cases they will hear this morning. Attorneys and judges are serving as mentors to comment upon and answer questions for students watching from their classrooms.

Comprehensive background materials for the cases being argued have been provided and can be found online through links created on the Web sites of the Santa Barbara Superior Court and the California Supreme Court. Included in these materials are case summaries and links to the briefs filed in the cases.

California Channel is broadcasting this oral argument session making the proceedings available in classrooms to the students unable to join us in the courtroom today, and to many other viewers in the community. California Channel has been a committed partner in all of the California Supreme Court's special sessions that have been held away from our traditional venues, and we are very grateful for its participation.

We hope that the students who are taking part will have their interest in our judicial and legal system stimulated by viewing these proceedings. The link to the court system's Web site at www.courtinfo.ca.gov leads easily to other information that provides background information on the law and on careers in the law, the court system, legal assistance, and a host of other useful material.

The members of our court hope that today's oral arguments will have significance far beyond those who are direct participants. We believe these court sessions will provide a valuable learning experience not only for local students, but statewide for the members of the public who view the telecast of these proceedings of the California Supreme Court.

We also hope that this special session will stir the interest of the students here today, and of others watching electronically, in understanding more about our legal system and the rule of law that protects us all and serves as such a vital component of our democracy. Perhaps one day, some of the students listening attentively will be in our seats on the bench, or sitting at the counsel table ready to present crucial arguments that will help shape the future of the law.

Once again, on behalf of the California Supreme Court, I want to indicate how pleased we are to be here today and to express our great appreciation to all who have made this program possible. This experience demonstrates once again that the courts, the bar, educators, and the community at large, working together, can achieve extraordinary objectives that benefit us all.

The court will now entertain questions from students present in the courtroom.

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**SPECIAL SESSION
CALIFORNIA SUPREME COURT
SANTA BARBARA, CALIFORNIA
OCTOBER 3, 2006
CHIEF JUSTICE RONALD M. GEORGE**

STUDENT QUESTIONS

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|------|---------------|---|
| (1) | GEORGE, C. J. | How does a person become a judge? |
| (2) | KENNARD, J. | What drew you to the law, and was your career goal always to become a judge or did you ever have other goals? |
| (3) | BAXTER, J. | In the thousands of petitions the Supreme Court receives every year, how does the court determine which cases it will review and write an opinion on? |
| (4) | WERDEGAR, J. | What part of your job as a Supreme Court justice has been the most rewarding and what part the most difficult, and how has being on the Supreme Court changed your life? |
| (5) | CHIN, J. | What changes do you see in the future of the California courts? |
| (6) | MORENO, J. | What do the courts do to make sure that people with very little money receive a fair trial in criminal and civil cases? |
| (7) | CORRIGAN, J. | How do you keep your personal views, morals, and any bias from influencing your decision on a case? |
| (8) | GEORGE, C. J. | What is the reason judges wear a black robe in the courtroom? |
| (9) | KENNARD, J. | Is a high profile or celebrity case more likely to be accepted by the Supreme Court than a case involving similar issues but less notoriety? |
| (10) | BAXTER, J. | How can the justice system best guard against the conviction of an innocent person? |
| (11) | WERDEGAR, J. | We have learned that the Supreme Court has staff attorneys to assist the justices in their work. What does a staff attorney do to help, and how do you become one? Does the court also use student externs? |
| (12) | CHIN, J. | How do the seven justices come to a decision on a case, since they may each have a separate view, and how long does it take to come to a decision? |
| (13) | MORENO, J. | As minors, we can be brought to trial as an adult in a criminal case, but cannot bring a civil suit as an adult. Why is this? |
| (14) | CORRIGAN, J. | What motivates you every day to come to your job as a judge and try to solve difficult problems that may not affect your personal life? |

I would like to have us observe a moment of silence in honor of Richard Goldman, the Dean of the Santa Barbara and Ventura Colleges of Law, who passed away after a year-long battle with cancer and whose funeral service is being held this morning.

Dean Goldman was held in the highest regard by persons in legal and academic circles as a committed lawyer who cared deeply about law students and the state of the justice system. We join in mourning his loss.

The Reporter of Decisions is directed to spread these special proceedings upon the minutes of the court for publication in the Official Reports of the court.

The Clerk will now call this morning's calendar.